

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES**

Applicant:	RAGER ET AL.)	
)	Examiner W. Cumming
Appl. No.	10/717,255)	
)	Art Unit 2683
Confirm. No.	7757)	
)	Atty. Docket No. CS23709RL
Filed:	19 November 2003)	
Title:	"Home Network Searching When Roaming In Wireless Communications Networks"		

APPEAL BRIEF UNDER 37 C.F.R. § 43.37(c)

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Real Party In Interest

The real party in interest is Motorola Inc., by virtue of an assignment duly executed by the named inventor(s) and recorded in the Official record.

Related Appeals & Interferences

There are no related appeals or interferences.

Status of Claims

Claims 1-24 are pending in this application. Claims 3-11, 13, 17-18 and 21-24 were indicated as being allowable. Claims 1-2, 12, 14-16, 19 and 20 were finally rejected in the Office action mailed on 7 June 2007.

Claims 1-2, 12, 14-16, 19 and 20 are the subject of the instant appeal. The appealed claims are reproduced in the Claims Appendix.

Status of Amendments

The claims have not been amended subsequent to the mailing of the final Office action on 7 June 2007.

Summary of Claimed Subject Matter

Claim 1 is drawn to a method in a wireless communications device, comprising operating in a network other than a home network of the wireless communications device (page 5, line 23 – page 6, line 1), and determining whether to search for the home network of the wireless communications device when not operating in the home network by comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information (page 8, line 18-24 & page 12, lines 20-24).

Claim 14 is drawn to a method in a mobile wireless communications device, comprising operating in a network other than a home network of the wireless communications device (page 5, line 23 – page 6, line

1), and determining whether to search for the home network when operating in the network other than the home network based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating (page 13, lines 1 - 4 & page 14, lines 8-12).

Claim 19 is drawn to a method in a mobile wireless communications device, comprising identifying a network in which the wireless communications device is operating, determining network record information based on the network identified (page 15, lines 7-9), and determining whether to search for a home network when roaming based on search information associated with the network record information identified (page 14, line 23 - page 15, line 2 & page 14, lines 8-12).

Grounds of Rejection for Review on Appeal

Whether Claims 1, 2, 12, 14-16, 19 and 20 are anticipated by U.S. Patent No. 5839069 (Keshavacher) under 35 USC 102(b).

Arguments re: Keshavacher

Rejection Summary

Claims 1, 2, 12, 14-16, 19 and 20 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5839069 (Keshavacher).

Discussion of Claim 1

Regarding Claim 1, Keshavacher fails to disclose or suggest a

... method in a wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network of the wireless communications device when not operating in the home network by comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information.

Keshavacher discloses optimizing the rate at which a cell phone searches for a home network and, more particularly, Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. Determining the rate at which to search for a home network, as taught by Keshavacher, however is not the same as "... determining *whether* to search for the home network ..." as recited in Claim 1. Moreover, there is no disclosure in Keshavacher of determining whether to search for the home network by "... comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information" to determine whether to search for the home network. Claim 1 is thus patentably distinguished over Keshavacher.

Discussion of Claim 2

Regarding Claim 2, Keshavacher fails to disclose or suggest in combination with Claim 1

... identifying the network record information associated with the network in which the wireless communications device is operating

using location area information associated with the network in which the wireless communications device is operating,
indicating at the wireless communications device in which network the wireless communications device is operating using the network record information associated with the network in which the wireless communications device is operating.

The Examiner does not specifically address the "identifying" and limitations "indicating" limitations of Claim 2. Keshavacher nevertheless fails to disclose indicating (at the wireless communications device) in which network the device is operating using the network record information associated with the network in which the wireless communications device is operating. Claim 2 is thus further patentably distinguished over Keshavacher.

Discussion of Claim 12

Regarding Claim 12, Keshavacher fails to disclose or suggest in combination with Claim 1 "... indicating that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating based on the network record information."

The Examiner does not specifically address the "indicating" limitations of Claim 12. Keshavacher nevertheless fails to disclose indicating that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating...", let alone providing such an indication based on "network record information". Claim 12 is thus further patentably distinguished over Keshavacher.

Discussion of Claim 13

Regarding Claim 13, Keshavacher fails to disclose or suggest in combination with Claim 1 "... determining whether to indicate that the wireless communications device is roaming by comparing the network record information associated with the network in which the mobile wireless communications device is operating to the reference information."

The Examiner does not specifically address the "determining whether to indicate" limitations of Claim 13. Keshavacher does not disclose indicating whether the device is roaming and Keshavacher nevertheless fails to disclose determining whether to indicate that the wireless communications device is roaming by comparing the network record information associated with the network in which the mobile wireless communications device is operating to the reference information. Claim 13 is thus further patentably distinguished over Keshavacher.

Discussion of Claim 14

Regarding Claim 14, Keshavacher fails to disclose or suggest a

... method in a mobile wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network when operating in the network other than the home network based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating.

Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. This disclosure in Keshavacher however is not the same as "... determining whether to search for the home network ..." as in Claim 14. Further, there is no disclosure in Keshavacher of determining whether to search for the home network "...based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating" as in Claim 14. The cell selection rate in Keshavacher is not information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating. Claim 14 and the claims that depend therefrom are thus patentably distinguished over Keshavacher.

Discussion of Claim 15

Regarding Claim 15, Keshavacher fails to disclose or suggest in combination with Claim 14 "... determining whether to search for the home network when operating in the network other than the home network by comparing the information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating with reference information." Contrary to the Examiner's suggestion, Keshavacher does not disclose "comparing the information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating with reference information." Claim 15 is thus further patentably distinguished over Keshavacher.

Discussion of Claim 16

Regarding Claim 16, Keshavacher fails to disclose or suggest in combination with Claim 14 "... determining whether to indicate that the wireless communications device is roaming based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating."

The Examiner does not specifically address the "determining whether to indicate" limitations of Claim 16. Keshavacher does not disclose indicating whether the device is roaming and Keshavacher nevertheless fails to disclose determining whether to indicate that the wireless communications device is roaming based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating. Claim 16 is thus further patentably distinguished over Keshavacher.

Discussion of Claim 19

Regarding Claim 19, Keshavacher fails to disclose or suggest a

...method in a mobile wireless communications device, the method comprising:

identifying a network in which the wireless communications device is operating;

determining network record information based on the network identified;

determining whether to search for a home network when roaming based on search information associated with the network record information identified.

Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. This disclosure in Keshavacher however is not the same as "... determining whether to search for a home network ..." in Claim 19. There is no disclosure in Keshavacher of determining whether to search for the home network "... based on search information associated with the network record information identified" as in Claim 19. Keshavacher does not disclose or suggest "... determining network record information based on the network identified" or determining whether to search for a home network when roaming based on "... search information associated with the network record information identified." Claim 19 and the claims that depend therefrom are thus patentably distinguished over Keshavacher.

Discussion of Claim 20

Regarding Claim 20, Keshavacher fails to disclose or suggest in combination with Claim 19 "... indicating, at the wireless communications device, network information when roaming based on the network record information with which the search information is associated."

Keshavacher does not disclose indicating whether the device is roaming and Keshavacher nevertheless fails to disclose indicating (at the wireless communications device) network information when roaming based on the network record information with which the search information is associated. Claim 20 is further patentably distinguished over Keshavacher.

RAGER ET AL.
"Home Network Searching When Roaming
In Wireless Communications Networks"
Atty. Docket No. CS23709RL

Appl. No. 10/717,255
Confirm. No. 7757
Examiner W. Cumming
Art Unit 2683

Prayer For Relief

Kindly reverse and vacate the rejections of claims in view of the discussion above, with instructions for the Examiner to allow said Claims to issue in a United States Patent without further delay and provide other relief warranted.

Respectfully submitted,

/ ROLAND K. BOWLER II /

ROLAND K. BOWLER II 4 JAN. 2009
REG. NO. 33,477

MOTOROLA, INC.
INTELLECTUAL PROPERTY DEPT. (RKB)
600 NORTH U.S. HIGHWAY 45, W4-37Q
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978
FACSIMILE NO. (847) 523-2350

CLAIMS APPENDIX

1. (Original) A method in a wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network of the wireless communications device when not operating in the home network by comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information.

2. (Original) The method of Claim 1,

identifying the network record information associated with the network in which the wireless communications device is operating using location area information associated with the network in which the wireless communications device is operating,

indicating at the wireless communications device in which network the wireless communications device is operating using the network record information associated with the network in which the wireless communications device is operating.

12. (Original) The method of Claim 1, indicating that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating based on the network record information.

13. (Original) The method of Claim 1, determining whether to indicate that the wireless communications device is roaming by comparing the network record information associated with the network in which the mobile wireless communications device is operating to the reference information.

14. (Original) A method in a mobile wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network when operating in the network other than the home network based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating.

15. (Original) The method of Claim 14, determining whether to search for the home network when operating in the network other than the home network by comparing the information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating with reference information.

16. (Original) The method of Claim 14, determining whether to indicate that the wireless communications device is roaming based on information used to indicate that the wireless communications device is

operating in a network other than the network in which the wireless communications device is operating.

19. (Original) A method in a mobile wireless communications device, the method comprising:

identifying a network in which the wireless communications device is operating;

determining network record information based on the network identified;

determining whether to search for a home network when roaming based on search information associated with the network record information identified.

20. (Original) The method of Claim 19, indicating, at the wireless communications device, network information when roaming based on the network record information with which the search information is associated.

RAGER ET AL.
"Home Network Searching When Roaming
In Wireless Communications Networks"
Atty. Docket No. CS23709RL

Appl. No. 10/717,255
Confirm. No. 7757
Examiner W. Cumming
Art Unit 2683

EVIDENCE APPENDIX

(None)

RAGER ET AL.
"Home Network Searching When Roaming
In Wireless Communications Networks"
Atty. Docket No. CS23709RL

Appl. No. 10/717,255
Confirm. No. 7757
Examiner W. Cumming
Art Unit 2683

RELATED PROCEEDINGS APPENDIX

(None)